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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,795	07/11/2001	Stanley C. Johnson	7060-3	1478

7590 02/11/2003
MARGER JOHNSON & McCOLLOM, P.C.
1030 S.W. Morrison Street
Portland, OR 97205

EXAMINER

RHEE, JANE J

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 02/11/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,795

Applicant(s)

JOHNSON, STANLEY C.

Examiner

Jane J Rhee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 24-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Objections

1. Claims 33 and 34 is objected to because it sets forth an intended use of the article yet written in a form wherein the article 'comprises' the use of the article.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 24-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Talbot et al. in view of Hoffman (5071688).

Talbot et al. discloses a wood product comprising an elongate composite substrate (figure 1 number 24), a core defining the interior of the substrate (figure 1 number 24), an elongate front surface formed on one side of the substrate (figure 1 number 35), an elongate rear surface formed on the other side of the substrate (figure 1 number 37) a pair of opposing edge surfaces extending between the front and rear surfaces (figure 1 number 27), the core being exposed on the edge surfaces (figure 1 number 24), treated paper substantially covering and adhered to all of the front surface, the side surfaces, and at least a portion of the rear surface adjacent at least one of the edge surfaces (figure 1 number 27,31, and 35), the covered portion being substantially all of the trim that is visible when the trim is installed in on the building (figure 1 numbers 35,27,31). Talbot et al. discloses an adhesive spread between substantially all of the

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paper and the substrate (col. 1 lines 40-44). Talbot et al. discloses that the trim is fixedly mounted on the building (col. 1 lines 13-14). Talbot et al. discloses that the rear surface includes a mounting surface that flushly abuts the building when the trim is mounted thereon (figure 1 number 37). Talbot et al. discloses that the substrate comprises an engineered wood product (col. 4 lines 3-4). Talbot et al. discloses that the substrate has a substantially rectangular cross section (figure 1 number 24). Talbot discloses that the paper covers a portion of the rear surface adjacent both of the edge surfaces (figure 1 numbers 35,27). Talbot et al. discloses engineered wood product that comprises fiberboard and wherein the front surface comprises a top surface of the fiberboard and the edge surface comprises an edge of the fiberboard (col. 4 line 4).

Talbot et al. fail to disclose a resin treatment formed on at least the exposed surface of the paper. Talbot et al. fail to disclose that the engineered wood product comprises laminated veneer lumber wherein the front surface comprises a surface on an outer veneer of the substrate and the edge surfaces comprises edges of veneer layers in the laminate veneer lumber. Talbot et al. fail to disclose that the laminated veneer lumber comprises plywood.

Hoffman teaches a resin treatment formed on at least the exposed surface of the paper (col. 2 lines 7-9) for the purpose of obtaining a planar smooth surface (col. 2 lines 10-11). Hoffman teaches that the engineered wood product comprises laminated veneer lumber, plywood wherein the front surface comprises a surface on an outer veneer of the substrate and the edge surfaces comprises edges of veneer layers in the

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lamine veneer lumber (figure 5 col.2 lines 27-29) for the purpose of cost saving (col. 1 line 33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided Talbot et al. with a resin treatment formed on at least the exposed surface of the paper in order to obtain a planar smooth surface (col. 2 lines 10-11) as taught by Hoffman.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided Talbot et al. with the engineered wood product that comprises laminated veneer lumber, plywood wherein the front surface comprises a surface on an outer veneer of the substrate and the edge surfaces comprises edges of veneer layers in the laminate veneer lumber in order to be cost saving (col. 1 line 33).

As for the wood product comprising siding or fascia, it has been held that a recitation with respect to the manner in which the claimed article is intended to be employed does not differentiate the claimed article from a prior art claimed article satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ 2d 1647 (1987).

Response to Arguments

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 703-605-4959. The examiner can normally be reached on M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Jane Rhee
January 24, 2003



HAROLD PYON
SUPERVISORY PATENT EXAMINER
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